

# RECORD OF PROCEEDINGS

100 LEAVES

## MINUTES OF MEETING OF THE BOARD OF DIRECTORS

### OF THE PUEBLO CONSERVANCY DISTRICT

December 6, 1956

A Meeting of the Board of Directors of the Pueblo Conservancy District was held at the office of the District, 113 East Fifth Street, Pueblo, Colorado, at 9:00 o'clock A.M., December 6, 1956.

Directors Present: John M. Holmes, W. T. Mathis, Frank Pryor  
Engineer Present: S. F. Elliot

The Minutes of the meeting of November 12, 1956, were read and approved.

The following Vouchers were and approved:

12773	Herman Klipfel, Postmaster	3.00
12774	Mountain States Tel & Tel Co.	19.09
12775	Mary E. Shomer, Co. Treas.	321.35
12776	Mary E. Shomer, Co. Treas.	573.28
12777	Mary E. Shomer, Co. Treas.	120.03
12778	Bertha Stephens	19.60
12779	Charles M. Rose	100.00
12780	Elbert D. Greene	89.23
12781	Director of Internal Revenue	8.40
12782	S. F. Elliot and V. R. Blackburn	125.00
12783	Southern Colorado Power Co.	3.82
12784	John M. Holmes	10.00
12785	W. T. Mathis	10.00
12786	Frank Pryor	10.00
12787	S. F. Elliot	10.00

Acceptance of the attached Resolution regarding annexation to the City of Pueblo of property generally described as between the west property line of Elizabeth Street if extended to Victoria Avenue was moved by Mathis and seconded by Pryor and unanimously passed, and made a part of these minutes.

Description of the property to be annexed to the City as covered by the Resolution is attached hereto and made a part hereof.

The City of Pueblo desiring to construct a sewer line in the new channel of the Arkansas River, a Grant of Easement was introduced by Pryor and seconded by Mathis and unanimously carried, covering such a Grant of Easement, is attached hereto and made a part hereof. Resolution No. 849 passed by the City Council accepting this Grant of Easement, subject to all of its conditions, is attached hereto and made a part hereof.



RESOLUTION

WHEREAS, the plans of the City of Pueblo, filed with the District, for the construction of a sewer line within the new channel of the Arkansas River are not inconsistent with the Official Plan of the District and are supplemental thereto, now therefore:

BE IT RESOLVED: That the said plans be and the same are hereby approved and the President of the District is hereby authorized to grant an easement to the City of Pueblo within said channel for that purpose; provided however, that the City of Pueblo by the acceptance of said easement and by the use thereof specifically agrees as follows:

- (a) To hold the Pueblo Conservancy District harmless from any and all claims arising from such construction and use.
- (b) To pay the full costs of any damage to or interference with the works of the District arising from the construction or maintenance of said sewer line.
- (c) To maintain such sewer line, constructed in accordance with said plan, without obstruction to said channel or interference with the works of the District.
- (d) The construction and maintenance of the said sewer line shall be wholly at the expense of the City of Pueblo, and no obligation or claim against the District with respect thereto, for any cause whatsoever, shall be made by the City of Pueblo.

Nothing herein shall be construed as a relinquishment of any statutory powers of the District and the existence and maintenance of said sewer line shall be subject to the future exercise of such powers at the expense of the City of Pueblo to the extent that the said sewer line is affected by removal or change.

Adoption of the foregoing Resolution was moved by Pryor and seconded by Matis and unanimously carried December 6, 1956.

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Certification of the acceptance of this Resolution by the Conservancy District was made to the City of Pueblo by Secretary of the Conservancy District - 12/6/56

PETITION FOR ANNEXATION TO THE CITY OF PUEBLO

TO THE CITY COUNCIL OF PUEBLO:

PURSUANT TO 1953 C. R. S. 139-11-3, WE, THE UNDERSIGNED OWNERS OF LAND WITHIN SUCH TERRITORY TO BE ANNEXED, DO HEREBY PETITION FOR THE ANNEXATION TO THE CITY OF PUEBLO OF THE FOLLOWING DESCRIBED PROPERTY CONTIGUOUS TO SAID CITY, TO-WIT:

Beginning at a point located at the intersection of the West property line of Elizabeth Street and the Northeast bank of the old Arkansas River Channel; thence Southeasterly along said Northeast bank of the old Arkansas River Channel to its intersection with the North property line of River Street; thence S 41° 59' W, a distance of 53.81 feet; thence S 89° 57' W, a distance of 115.20 feet; thence S 45° 14' W, a distance of 63.58 feet; thence Southeasterly along the Northeast wall of the old Arkansas River bed to its intersection with the East West centerline of Section 36, Township 20 South, Range 65 West; thence along said centerline to its intersection with the Northeast boundary of Colorado Coal and Iron Company's Addition No. 2; thence northwesterly along said boundary line to the point of intersection of the West property line of Elizabeth Street extended and said boundary line of the Colorado Coal and Iron Company's Addition No. 2, all of the above and foregoing described coincide with present City limits; thence N 0° 04' E along said extended property line of Elizabeth Street, a distance of 483 feet more or less to the point of beginning; said parcel of land contains 4.7 acres more or less.

ALL REFERENCE TO LINES, STREETS AND BOUNDARIES HEREIN ARE SHOWN ON THE PLAT OF A SUBDIVISION RECORDED IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF PUEBLO COUNTY, COLORADO, KNOWN AS COLORADO COAL AND IRON COMPANY'S ADDITION NO. 2, REFERENCE TO WHICH IS HEREBY MADE.

LAND-OWNERS  
NAME

DESCRIPTION

QUALIFIED ELECTOR  
(YES - NO)

DATE

Pueblo Conservancy District

Beginning at a point located at the intersection of the West property line of Elizabeth Street and the Northeast bank of the old Arkansas River Channel; thence S 0° 04' W, a distance of 239 feet to the point of beginning; thence S 42° 41' E, a distance of 350 feet; thence S 38° 34' E, a distance of 234.5 feet; thence S 33° 10' E, a distance of 159.5 feet; thence N 45° 14' 30" E, a distance of 50 feet; thence S 45° E to the East-West centerline of Section 36; thence along said centerline to its intersection with the Northeast boundary of the Colorado Coal and Iron Company's Addition No. 2; thence Northwesterly along said boundary line to its intersection with the West property line of Elizabeth Street extended; thence N 0° 04' E, a distance of 133 feet. Said parcel of land contains 3.06 acres more or less.

No

PUEBLO CONSERVANCY DISTRICT

By

*John M. Holmes*

Authorized Signature

(Attach Resolution of District authorizing Annexation)

CIRCULATOR'S OATH

STATE OF COLORADO )

COUNTY OF PUEBLO )

§§

I, *Bernard J. Hurd*, DO HEREBY CERTIFY UNDER OATH THAT I CIRCULATED THE FOREGOING PETITION, AND THAT EACH SIGNATURE THEREON IS THE SIGNATURE OF THE PERSON WHOSE NAME IT PURPORTS TO BE.

SUBSCRIBED AND SWORN TO BEFORE ME THIS 7 DAY OF December, 1956.

MY COMMISSION EXPIRES August 20, 1960.

*Luis J. Costa*  
Notary Public

2A

LAND-OWNERS  
NAME

DESCRIPTION

QUALIFIED ELECTOR  
(YES - NO)

DATE

Pueblo, a Municipal Corporation

Beginning at the Northeast corner of Lot 5, in Block 14, in the State Addition to Pueblo, according to the recorded plat of said addition; thence West along the northerly line of Lot 5, 33 feet to a point; thence S 42° 41' E, a distance of 44 feet more or less to the intersection of said line with the old Arkansas River Channel, the same being on the present City limits line of Pueblo, and the point of beginning herein;

Thence S 42° 41' E, a distance of 224.5 feet, more or less to the point of intersection of said line with the West property line of Greenwood Street, if extended South; thence N 0° 1' 15" E, a distance of 69 feet more or less to the point of intersection of the West property line of Greenwood and the present City limits line; thence S 60° 38' E along the present City limits line, a distance of 91.78 feet, to the East property line of Greenwood Street; thence S 0° 1' 15" W, along the East property line of Greenwood Street if extended South from the present City limits line, a distance of 52 feet, to the intersection of Greenwood Street and River Street; thence N 89° 57' E, a distance of 115.66 feet, to a point where the present City limits intersects the northerly property line of River Street, if extended West; thence S 41° 59' W, a distance of 53.81 feet; thence S 89° 57' W, a distance of 115.20 feet; thence S 45° 14' a distance of 63.58 feet; thence southeasterly along the northeast wall of the old Arkansas River bed, a distance of 105 feet; thence southwesterly along the northwesterly property line of Victoria Avenue if extended, a distance of 50 feet; thence N 33° 10' W, a distance of 159.5 feet; thence N 42° 14' W, a distance of 515.8 feet; thence N 34° 18' 10" W, a distance of 26.14 feet; thence N 49° 56' W, a distance of 70.35 feet; thence N 0° 4' E along the extended West property line of Elizabeth Street, a distance of 264.27 feet, to the present City limits line, thence along said City limits line to the southeast to the point of beginning

PUEBLO, A MUNICIPAL CORPORATION

By *C. Burren*  
President of the Council

CIRCULATOR'S OATH

STATE OF COLORADO )

COUNTY OF PUEBLO )

SS

I, *Robert A. ...*, DO HEREBY CERTIFY UNDER OATH THAT I CIRCULATED

THE FOREGOING PETITION, AND THAT EACH SIGNATURE THEREON IS THE SIGNATURE OF THE PERSON WHOSE  
NAME IT PURPORTS TO BE.

SUBSCRIBED AND SWORN TO BEFORE ME THIS 7 DAY OF December, 1956.

MY COMMISSION EXPIRES August 20, 1960.

Lucy J. Costa  
Notary Public

GRANT OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that in consideration of the conditions hereinafter set forth, the Pueblo Conservancy District, a public corporation, does hereby grant unto the City of Pueblo, a municipal corporation, in and to and upon the following described lands in Pueblo County for public purpose of a sewer line to be constructed and maintained in accordance with engineering plans therefor heretofore filed with the District, to-wit:

Beginning at a point in the new river channel of the Arkansas River approximately 500.00 feet westerly from the Santa Fe Avenue Bridge, thence northwesterly in said channel approximately 6,000.00 feet to a point adjacent to the diversion structures of the Southern Colorado Power Company. All of said land as more particularly shown on the maps and plats thereof filed with the Pueblo Conservancy District and being within Section 1, Township 21 South, Range 65 West of the Sixth Principal Meridian and Section 36, Township 20 South, Range 65 West of the Sixth Principal Meridian.

This grant of easement is made subject to the following conditions:

- (a) To hold the Pueblo Conservancy District harmless from any and all claims arising from such construction and use.
- (b) To pay the full costs of any damage to or interference with the works of the District arising from the construction or maintenance of said sewer line.
- (c) To maintain such sewer line, constructed in accordance with said plan, without obstruction to said channel or interference with the works of the District.
- (d) The construction and maintenance of the said sewer line shall be wholly at the expense of the City of Pueblo, and no obligation or claim against the District with respect thereto, for any cause whatsoever, shall be made by the City of Pueblo.

Nothing herein shall be construed as a relinquishment of any statutory powers of the District and the existence and maintenance of said sewer line shall be subject to the future exercise of such powers at the expense of the City of Pueblo to the extent that the said sewer line is affected by removal or change.



Done this 6th day of December, 1956, pursuant to  
a resolution of the Directors of the Pueblo Conservancy District.

Pueblo Conservancy District

By /s/JOHN M. HOLMES  
President

STATE OF COLORADO )  
                          ) ss.  
COUNTY OF PUEBLO )

The foregoing instrument was acknowledged before me this  
7 day of December, 1956, by John M. Holmes,  
President of the Pueblo Conservancy District, a public corporation.

Witness my hand and official seal.

/s/ LUCY J. COSTA  
Notary Public

(S E A L) My commission expires August 20, 1960.

RESOLUTION NO. 849

A RESOLUTION ADOPTING THE GRANT OF EASEMENT  
FOR THE LINES TO THE NEW CHANNEL OF THE  
ARIZONA RIVER BY THE PUBLIC CONSERVANCY  
DISTRICT

BE IT ORDAINED BY THE CITY COUNCIL OF PUEBLO, that:

SECTION 1.

The grant of easement for a sewer line in the new channel  
of the Arkansas River by the Pueblo Conservancy District to the City  
of Pueblo, dated December 6, 1956, is hereby accepted subject to the  
conditions thereof, which conditions the City of Pueblo hereby assumes  
and agrees to perform.

SECTION 2.

The City Clerk is hereby directed to record said grant of  
easement and to furnish the Pueblo Conservancy District with a  
certified copy of this resolution.

INTRODUCED December 10, 1956

BY RICHARD F. HOBBS  
Councilman

APPROVED:

C. J. BURRESS, JR.  
President of the Council

ATTEST:

MARY E. WEAVER  
City Clerk

I, Mary E. Weaver, City Clerk of the City of Pueblo, Colorado,  
do hereby certify that the above is a true and correct copy of Resolu-  
tion No. 849, adopted by the Council of Pueblo on December 10, 1956  
and on file in this office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the  
Seal of the City of Pueblo, Colorado, this 17th day of December, 1956.

(S E A L)

Mary E. Weaver  
City Clerk

Certain papers from the State Highway Department were submitted to the District covering the new bridge across the Arkansas River at West Fourth Street. Said papers were ordered sent to Charles M. Rose, Attorney for the District, for his inspection and comments - same to be taken up at a future meeting.

There being no further business, the meeting adjourned.

Edward J. Linn  
Secretary

Read and approved:

Frank Dyer  
Walter S. Spatcher  
J. M. Hobbes